

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

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**SERVICE BREVETS & CONTRATS**

Reçu  
le

- 4 OCT. 2004

**SRPC - Clamart**

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

*in*

Date of mailing  
(day/month/year)

01.10.2004

Applicant's or agent's file reference  
WO 101.0085

### IMPORTANT NOTIFICATION

International application No.  
PCT/GB 03/03764

International filing date (day/month/year)  
29.08.2003

Priority date (day/month/year)  
30.08.2002

Applicant  
SENSOR HIGHWAY LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



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# PATENT COOPERATION TREATY

# PCT

REC'D 04 OCT 2004  
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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>WO 101.0085</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. <b>PCT/GB 03/03764</b>	International filing date (day/month/year) <b>29.08.2003</b>	Priority date (day/month/year) <b>30.08.2002</b>
International Patent Classification (IPC) or both national classification and IPC <b>E21B47/12</b>		
Applicant <b>SENSOR HIGHWAY LIMITED et al.</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
 

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:
 

I    ☒ Basis of the opinion

II   ☐ Priority

III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV   ☐ Lack of unity of invention

V    ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI   ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand  <b>22.03.2004</b>	Date of completion of this report  <b>01.10.2004</b>
Name and mailing address of the international preliminary examining authority:  <b>European Patent Office</b> <b>D-80298 Munich</b> Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  <b>Ott, S</b>  Telephone No. +49 89 2399-7429 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/GB 03/03764**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

**Description, Pages**

1-12 as originally filed

**Claims, Numbers**

1-86 as originally filed

**Drawings, Sheets**

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 60-86

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 60-86 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-59
Inventive step (IS)	Yes: Claims	
	No: Claims	1-59
Industrial applicability (IA)	Yes: Claims	1-59
	No: Claims	

2. Citations and explanations

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see separate sheet

POINT III

Although claims 1, 34, 60, 68, 76, 77, 82 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The present application does therefore not meet the requirements of Rule 6.1 a) PCT (see also PCT International Preliminary Examination Guidelines III-5.1), since the number of independent claims is beyond of what is considered as "reasonable" in relation to the nature of the invention.

The aforementioned claims therefore also lack conciseness in the sense of Art. 6 PCT. Moreover, lack of clarity as a whole arises, since the plurality of independent claims makes it difficult if not impossible to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. Hence, claims 1, 34, 60, 68, 76, 77, 82 do not meet the requirements of Art. 6 PCT. In accordance with Art. 34(4) a) PCT, the question whether the subject-matter of claims 60-86 meets the requirements of novelty, inventive step and industrial applicability in the sense of Art. 33 PCT has not and will not be the subject of the International Preliminary Examination.

POINT V

V-1. D1: GB-2364380 discloses a system to log a wellbore (fig.12), comprising:  
a logging tool including at least one down hole power supply (812) to power the logging tool and adapted to be deployed in a wellbore (802);  
the logging tool adapted to send data from the wellbore (p.34, l.4-5);  
a fiber optic line (822) in optical communication with the logging tool; and  
the logging tool transmitting the data on a real time basis through the fiber optic line (p.2, l.14).

The subject-matter of claim 1 does therefore not meet the requirements of novelty in the sense of Art. 33(2) PCT.

V-2. D1 also discloses a method of logging a wellbore (fig.12), comprising;  
deploying a logging tool in a wellbore;  
powering the logging tool with a downhole power source (812)  
sending data from the logging tool (p.34, l.4-5); and  
transmitting the data to a surface of the wellbore on a real time basis through a fiber optic line that is in optical communication with the logging tool (p.2, l.14).

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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The subject-matter of claim 34 does therefore not meet the requirements of novelty in the sense of Art. 33(2) PCT.

V-3. Dependent claims 2-33, 35-59 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.

V-4. Following defects are pointed out:

- Rule 6.3b) i) and ii) PCT: incorrect two part form of independent claims with regard to D1.
- Rule 6.2 b) PCT in combination with PCT GL 3 III-4.11: no reference numbers.